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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,761	11/25/2003	Richard G. Sheets SR.	37809-0022	2776

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EXAMINER

HRUSKOCL, PETER A

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No. 10/720,761	Applicant(s) SHEETS, RICHARD G.	
	Examiner Peter A. Hruskoci	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004 and 29 April 2004.
- 2a) ☐ This action is **FINAL**. / 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 24-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-23, drawn to a process, classified in class 210, subclass 665.
- II. Claims 24-34, drawn to a system, classified in class 210, subclass 192.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the system as claim can be used to practice a materially differ process such as a hydrocarbon recovery process.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Marvin A. Motsenbocker on 6/7/04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-23.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 24-34 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The disclosure is objected to because of the following informalities: In the specification on page 22 line 14 "BinderIn" appears to be erroneous.

Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 11-16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toth et al. 4,340,488 in view of Kantardjieff 6,387,267. Toth et al. disclose (see col. 2 line 21 through col. 4 line 18) a process for removing volatile gas from wet sludge and concentration of watery sludge substantially as claimed. The claims differ from Toth et al. by reciting a step for adding zeolite to the sludge. Kantardjieff disclose (see col. 1 line 5 through col. 4 line 28) that it is known in the art to add zeolite to semi-solid pig farm waste to aid in fixing ammonia and producing fertilizer. It would have been obvious to one skilled in the art to modify the process of Toth et al. by utilizing the recited step for adding zeolite in view of the teachings of Kantardjieff, to aid in fixing ammonia and producing fertilizer. The specific amount of ultrasonic energy delivered, zeolite and ratio added, and temperature utilized, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific sludge treated and results desired, absent a sufficient showing of unexpected results.

Claims 17, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toth et al. 4,340,488 in view of Kantardjieff 6,387,267 as above, and further in view of Cizek et al. 5,232,429 and Asada et al. 4,559,143. The claims differ from the references as applied above by reciting that the treated sludge in the geotextile is becomes concentrated by gravity action or is exposed to a vacuum. Cizek et al. disclose (see col. 4 line 5-64, and col. 10 line 35 through col. 11 line 3) that it is known in the art to utilize a water-permeable bag made of a geotextile to aid in draining water from the sludge. Asada et al. disclose (see col. 4 line 42 through col. 8 line

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21) that it is known in the art to utilize vacuum and gravity filtration to aid in dewatering sludge. It would have been obvious to one skilled in the art to modify the references as applied above by utilizing the recited geotextile and gravity action or vacuum in view of the teachings of Cizek et al. and Asada et al. respectively, to aid in dewatering the sludge.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toth et al. 4,340,488 in view of Kantardjieff 6,387,267 as above, and further in view of Edwards 3,772,188. The claims differ from the references as applied above by reciting a step for adding oxidant prior to ultrasonication. Edwards disclose (see col. 8 line 65 through col. 10 line 2) that it is known in the art to add an oxidant such as ozone to sewage in a treatment vessel including ultrasonic wave producing devices to increase the transfer of oxygen for sterilizing the sewage. It would have been obvious to one skilled in the art to modify the references as applied above by utilizing the recited step for adding an oxidant in view of the teachings of Edwards, to aid in sterilizing the sludge. The specific amount of ultrasonic energy delivered, and the specific zeolite and ratio added, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific sludge treated and results desired, absent a sufficient showing of unexpected results.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toth et al. 4,340,488 in view of Kantardjieff 6,387,267 as above, and further in view of Cizek et al. 5,232,429 and Argyll 4,046,689. It is noted that Kantardjieff as applied above utilizes granulation and air drying of the semi-solid waste to produce fertilizer. The claim differs from the references as applied above by reciting that the treated sludge in the geotextile is transported by truck to a site for air drying and pulverization into fertilizer. Cizek et al. disclose (see col. 4

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line 5-64, and col. 10 line 35 through col. 11 line 3) that it is known in the art to utilize a water-permeable bag made of a geotextile to aid in draining water from the sludge. Argyll disclose (see col. 1 line 46 through col. 2 line 65) that it is known in the art to utilize a truck to dry sludge and transfer the dried sludge to a fertilizer plant. It would have been obvious to one skilled in the art to modify the references as applied above by utilizing the recited geotextile and truck in view of the teachings of Cizek et al. and Argyll respectively, to aid in dewatering the sludge and transporting the sludge to a site for producing fertilizer.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards 3,772,188 in view of Kantardjieff 6,387,267. Edwards disclose (see col. 8 line 65 through col. 10 line 2) a process for adding an oxidant such as ozone to a sludge waste stream substantially as claimed. The claims differ from Edwards by reciting a step for adding zeolite to the sludge waste stream. Kantardjieff disclose (see col. 1 line 5 through col. 4 line 28) that it is known in the art to add zeolite to semi-solid pig farm waste to aid in fixing ammonia and producing fertilizer. It would have been obvious to one skilled in the art to modify the process of Edwards by utilizing the recited step for adding zeolite in view of the teachings of Kantardjieff, to aid in fixing ammonia and producing fertilizer. The specific amount of ultrasonic energy delivered, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific sludge treated and results desired, absent a sufficient showing of unexpected results.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (571) 272-1160. The examiner can normally be reached on Monday through Friday from 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Peter A. Hruskoci
Primary Examiner
Art Unit 1724

6/21/04